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Notice of Allowability	Application No.	Applicant(s)	
	09/785,366	BETTS, WILLIAM L.	
	Examiner	Art Unit	
	Khanh Tran	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 07/11/2006.
2. ☒ The allowed claim(s) is/are 1, 3-5, 7-12, 14, 16-18, 20-29, 31-40, 42-46, 48-52, 54-58, 60-64, 66-77, 82 and 92-116, which have been renumbered as set forth in the Office action.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL..

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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1. The Amendment filed on 07/11/2006 has been entered. Claims 1, 3-5, 7-12, 14, 16-18, 20-29, 31-40, 42-46, 48-52, 54-58, 60-64, 66-77, 82 and 92-116 are pending in this Office action.

2. Claims have been renumbered as shown below, respectively:

claims 3-5 renumbered as claims 2-4;

claim 7 renumbered as claim 5;

claim 92 renumbered as claim 6;

claims 8-12 renumbered as claims 7-11;

claims 71-72 renumbered as claims 12-13;

claim 93 renumbered as claim 14;

claim 14 renumbered as claim 15;

claim 20 renumbered as claim 19;

claim 94 renumbered as claim 20;

claim 73 renumbered as claim 26;

claim 74 renumbered as claim 27;

claim 95 renumbered as claim 28;

claims 26-29 renumbered as claims 29-32;

claim 31 renumbered as claim 33;

claim 96 renumbered as claim 34;

claims 32-35 renumbered as claims 35-38;

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claims 75-76 renumbered as claims 39-40;
claim 97 renumbered as claim 41;
claims 36-40 renumbered as claims 42-46;
claim 42 renumbered as claim 47;
claim 98 renumbered as claim 48;
claims 43-46 renumbered as claims 49-52;
claim 77 renumbered as claim 53;
claim 99 renumbered as claim 54;
claims 48-52 renumbered as claims 55-59;
claim 54 renumbered as claim 60;
claim 100 renumbered as claim 61;
claims 55-58 renumbered as claims 62-65;
claim 101 renumbered as claim 66;
claims 60-64 renumbered as claims 67-71;
claim 66 renumbered as claim 72;
claim 102 renumbered as claim 73;
claims 67-70 renumbered as claims 74-77;
claim 82 renumbered as claim 78; and
claim 103 renumbered as claim 79; and
claims 104-116 renumbered as claims 80-92.

Response to Arguments

3. Applicant's arguments, see pages 26-39, filed on 07/11/2006, with respect to Claims 1, 3-5, 7-12, 14, 16-18, 20-29, 31-40, 42-46, 48-52, 54-58, 60-64, 66-77, 82 and 92-116 have been fully considered and are persuasive. The rejection of Claims 1, 3-5, 7-12, 14, 16-18, 20-29, 31-40, 42-46, 48-52, 54-58, 60-64, 66-77, 82 and 92-116 has been withdrawn.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

4. Regarding claim 1, claim is allowable over the prior art of record after Applicant added critical limitation "receiving information from a destination transceiver, the information comprising information for determining a desired fractional bit rate of the destination transceiver and further including logic for encoding an integer number of bits into a plurality of symbols at the desired fractional bit rate using a plurality of signal space constellation points supported by the destination transceiver". Applicant further contended that the proposed US 6,553,063 B1 failed to render the critical claimed limitation obvious.

5. Regarding claim 14, claim is allowable over the prior art of record after Applicant added critical limitation "means for receiving information from a destination

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transceiver, the information comprising information for determining a desired fractional bit rate of the destination transceiver and further including logic for encoding an integer number of bits into a plurality of symbols at the desired fractional bit rate using a plurality of signal space constellation points supported by the destination transceiver".

Applicant further contended that the proposed US 6,553,063 B1 failed to render the critical claimed limitation obvious.

6. Regarding claim 26, claim is allowable over the prior art of record after Applicant added critical limitation "a receiver adapted to receive information from a destination transceiver, the information comprising information for determining a desired fractional bit rate of the destination transceiver and further including logic for encoding an integer number of bits into a plurality of symbols at the desired fractional bit rate using a plurality of signal space constellation points supported by the destination receiver". Applicant further contended that the proposed US 6,553,063 B1 failed to render the critical claimed limitation obvious.

7. Regarding claim 36, claim is allowable over the prior art of record after Applicant added critical limitation "providing information to a source transceiver, the information comprising information capable of being used to determine a fractional bit rate to use for transmitting data to a destination transceiver and further comprising logic adapted to enable the source transceiver to encode an integer number of bits into a plurality of symbols at the desired fractional bit rate using a plurality of signal space

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constellation points supported by the destination transceiver". Applicant further contended that the proposed US 6,553,063 B1 failed to render the critical claimed limitation obvious.

8. Regarding claim 36, claim is allowable over the prior art of record after Applicant added critical limitation "means for providing information to a source transceiver, the information comprising information capable of being used to determine a fractional bit rate to use for transmitting data to a destination transceiver and further comprising logic adapted to enable the source transceiver to encode an integer number of bits into a plurality of symbols at the desired fractional bit rate using a plurality of signal space constellation points supported by the destination transceiver". Applicant further contended that the proposed US 6,553,063 B1 failed to render the critical claimed limitation obvious.

9. Regarding claim 60, claim is allowable over the prior art of record after Applicant added critical limitation "a transmitter adapted to provide information to a source transceiver, the information comprising information capable of being used to determine a fractional bit rate to use for transmitting data to a destination transceiver and further comprising logic adapted to enable the source transceiver to encode an integer number of bits into a plurality of symbols at the desired fractional bit rate using a plurality of signal space constellation points supported by the destination transceiver".

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Applicant further contended that the proposed US 6,553,063 B1 failed to render the critical claimed limitation obvious.

10. Regarding claim 104, claim is allowable over the prior art of record after Applicant added critical limitation "receiving information from a destination transceiver, the information comprising indicator of a desired fractional bit rate and further comprising logic for encoding an integer number of bits into a plurality of symbols at the desired fractional bit rate using a plurality of signal space constellation points supported by the destination transceiver". Applicant further contended that the proposed US 6,553,063 B1 failed to render the critical claimed limitation obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-

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3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCT

Khanh Cong Tran

09/25/2006

Primary Examiner

KHANH TRAN